

The contents of this document, except when based on statutory or regulatory authority or law, does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

This checklist summarizes the application requirements for HUD to consent to a taking via **eminent domain** of public housing in accordance with Section 18 of the 1937 Act, 24 CFR part 970, and Notice PIH-2012-8 (PHA).

The basic Eminent Domain submission requires:

- Completion of IMS/PIC application screens (e.g., selecting buildings/units)
- HUD-52860, HUD-52860-F addendum, and required attachments as signed PDFs uploaded
- Supporting documentation pursuant to 24 CFR part 970 and PIH Notice 2012-08, as summarized in this checklist.

☐ **General Information.**

1. Date of application
2. PHA name & code
3. PHA contact
4. Local HUD Field Office (FO) of Public Housing and Expeditor

☐ **Property Description.**

1. Units/buildings (PIC numbers)
2. Acreage
3. Description of land (e.g., survey, copy of the legal description, site map if for a portion of property on contiguous sites)
4. Recorded Declaration of Trust (DOT) or Declaration of Restrictive Covenant (DORC)
5. Personal Property (e.g., equipment, supplies, computer centers, furniture, and vehicles) that exclusively or primarily supports the project (do not include central office personal property). There is no specific field on the form HUD-52860 about personal property but attach a list.
6. Description of UFAS-accessible unit distribution (at development and proposed for removal under S18)

NOTE: PHAs report UFAS-accessible units for their entire Public Housing Portfolios in MicroStrategy. PHAs must ensure this information is current and complete. Incomplete UFAS-accessible data may delay FHEO review.

☐ **PHA Plan.**

The de minimis demolition must be included in a (HUD-approved) PHA Annual Plan or in a Significant Amendment to an Annual Plan. The description of the de minimis demolition in the Annual Plan must be identical to the description in the SAC application.

☐ **Local Government Consultation.**

1. Name local jurisdiction(s)
2. Mayor's (or highest elected official) letter supporting the de minimis demo
3. Narrative description of consultation with dates, meetings, issues raised

☐ **Resident and Resident Group Consultation**

1. Resident. PHA develops de minimis demo application in consultation with residents to be displaced or otherwise affected. Provide date(s) and narrative of consultation process. Attach supporting documents (e.g., agenda, meeting notices; sign-in sheets; minutes, print-out of written or email consultation)
2. Resident Council. If there is a Resident Council, provide name of council and date and narrative of consultation.
3. Resident Advisory Board (RAB). Provide date and narrative of consultation.
4. Attach copies of all written comments from residents or resident groups/organizations during the consultation

- ☐ **Estimated Value of Property.** Provide independent appraisal (within past year) of Property's fair market value (FMV). Provide a summary, name of appraiser, and date. If the disposition is negotiated at below FMV, HUD may accept an alternative form of valuation (i.e., tax assessor opinion)

☐ **Environmental Review (ER).**

Completed under 24 CFR Part 50 or 58 identifying the demolition or disposition and any known future use. May include HUD-7015.16 to verify completion.

☐ **Board Resolution.**

Signed and dated AFTER the resident and local government consultation

☐ **Compensation.**

1. Proposed compensation monetary or replacement property
2. If Monetary Compensation proposed amount.
3. If Replacement Property, attach a narrative description of the property and how it meets the replacement requirements of PIH Notice 2012-8 (or any replacement notice).
4. Statement of acceptability of Proposed Compensation Amount by the Taking Body is acceptable to the PHA and why the PHA believes it meets the requirements of PIH Notice 2012-8 (or any replacement notice).

☐ **Proceeds.**

1. Estimated amount of gross and net proceeds.

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| <ol style="list-style-type: none"> 2. Use of gross proceeds for relocation costs and/or reasonable costs of disposition. Attach a brief narrative/budget. 3. Use of net proceed. Attach brief narrative, budget, or other supporting documentation). If unknown, indicate. Once known, Request SAC approval of proposed use. |
| <input type="checkbox"/> Timetable <ol style="list-style-type: none"> 1. Begin and end relocations 2. Execute demolition contract 3. Remove property |
| <input type="checkbox"/> Relocation Plan <ol style="list-style-type: none"> 1. Occupied Units (automatically populated in PIC) (no data entry required) 2. Number of individual residents displaced (from public housing lease, even if no physical displacement)¹ 3. Name of agency providing relocation counseling services to residents (if different from PHA) 4. Description of relocation counseling and advisory services 5. Estimated cost and anticipated funding source for resident moves (actual and reasonable) and other relocation expenses (including counseling) 6. If PHA does NOT administer an HCV Program, name of Section 8 HCV Administrating Agency (who agrees in writing) and approval from local HUD Office of Public Housing FO 7. Number of TPVs requested, narrative supporting TPV request and proposed use for relocation (how TPVs will be offered, i.e. tenant-based voucher with or without the option to lease on-site, project-based voucher—existing, or project-based voucher—new/rehabilitated after an AHAP and development period) 8. Comparable housing offered to displaced residents (check box on 52860). PHAs may offer more than one form of comparable housing. Consider family relocation preferences, households where a family member has a disability, and families not eligible for Section 8 HCV assistance (i.e. because over-income) <p>PHAs may, but are not required to, submit a comprehensive written Relocation Plan. The Uniform Relocation Act (URA) does not apply. See 24 CFR 970.21</p> |
| <input type="checkbox"/> HUD-52860 and HUD-52860-F Submitted as PDFs (including signed certifications) |
| <input type="checkbox"/> HUD-5837 (required only if de minimis demo will remove all remaining units from the PHA's ACC inventory/PIC count) Submitted as PDF (including signed certifications) |
| <input type="checkbox"/> Other PHA Considerations (no submissions required) |

¹ Form HUD-52860 requires PHAs to provide a summary of resident displacement by race/national origin and disability. HUD will review the data in the 50058 to confirm this information. Please ensure 50058 data is current.

1. Energy Performance Contract (EPC), Capital Fund Financing Program (CFFP), Repayment Agreement(s). If any obligation impacts the units, resolution is required before SAC approval.
2. Community Supportive Services (CSS) program. If property has an existing Resident Opportunities and Self Sufficiency (ROSS), Family Self Sufficiency (FSS), or Jobs Plus (JP) grant, review conversion impact to grant/families. For FSS or ROSS, contact PIH Field Office with questions. For JP, contact your Grant Manager with questions.